

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

EDWARD CRAWFORD,  
Plaintiff,

vs.

BEN RYE, et al.,  
Defendants.

Case No. 1:15-cv-150  
Beckwith, J.  
Litkovitz, M.J.

**REPORT &  
RECOMMENDATION**

On March 2, 2015, prose plaintiff filed a motion to proceed *in forma pauperis* in this case in connection with a complaint alleging violations of the Fair Debt Collection Practices Act. (Doc. 1). On March 4, 2015, the Court issued a Deficiency Order ordering plaintiff within thirty (30) days to resubmit his application to proceed *in forma pauperis* with the missing information concerning plaintiff's income. (Doc. 2). Plaintiff was advised that failure to comply with the Order would result in dismissal of his case for want of prosecution. *Id.* To date, more than thirty days after the Court's March 4, 2015 Deficiency Order, plaintiff has failed to submit the additional information related to the *in forma pauperis* application in this matter. Accordingly, because plaintiff has failed to comply with the Deficiency Order issued on March 4, 2015, dismissal is appropriate. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962); *Jourdan v. Jabe*, 951 F.2d 108, 109 (6<sup>th</sup> Cir. 1991).

**IT IS THEREFORE RECOMMENDED THAT:**

1. Plaintiff's complaint be **DISMISSED** with prejudice for lack of prosecution.
2. The Court certify pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of this Order would not be taken in good faith and therefore deny plaintiff leave to appeal *in forma*

*pauperis*. Plaintiff, a non-prisoner, remains free to apply to proceed *in forma pauperis* in the Court of Appeals. See *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

4/10/15  
Date

Karen L. Litkovitz  
Karen L. Litkovitz  
United States Magistrate Judge

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**NOTICE TO THE PARTIES REGARDING FILING OF OBJECTIONS TO THIS R&R**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to these proposed findings and recommendations within **FOURTEEN DAYS** after being served with this Report and Recommendation (“R&R”). Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days (excluding intervening Saturdays, Sundays, and legal holidays) because this R&R is being served by mail. That period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. If the R&R is based, in whole or in part, upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party’s objections within **FOURTEEN DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).